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CAS: USAO 2009R00390

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

EMENIKE CHARLES NWANKWOALA

Defendant

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CRIMINAL NO.

PJM 10 CR 0179

**(Exportation of Arms Without a
License, 22 U.S.C. § 2778(b) and (c);
Exportation of Controlled Good
Without a License, 50 U.S.C. App.
§ 2410(a) and 50 U.S.C. §§ 1702,
1705(c); Willful Delivery of Firearm to
Common Carrier Without Written
Notice, 18 U.S.C. § 922(e); Forfeiture,
18 U.S.C. § 924(d), 18 U.S.C.
§ 981(a)(1)(C), 21 U.S.C. § 853(p),
22 U.S.C. § 401, 28 U.S.C. § 2461(c),
50 U.S.C. App. § 2410(g))**

INFORMATION

COUNT ONE

The United States Attorney for the District of Maryland charges that:

In or about August 2009, in the District of Maryland and elsewhere, the defendant,

EMENIKE CHARLES NWANKWOALA,

did knowingly and willfully export, cause to be exported, and attempted to export from the United

States to Nigeria, a defense article, that is:

MODEL	CALIBER	SERIAL NUMBER
Bersa Thunder 40	.40 mm	939089
Bersa Thunder 40	.40 mm	693553
Bersa Thunder 9	9 mm	918546
Ruger SR9	9 mm	330-44078
Smith & Wesson M&P 45	.45 mm	MPS5803
Smith & Wesson M&P 45	.45 mm	MPY9191

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BRAND OF AMMUNITION	NUMBER OF ROUNDS
Speer Gold, Lawman, Blazer & Magtech	850
Winchester Ranger (LEO ammunition)	150
Independence & Hornady	180
Remington & Federal	310

which are defense articles included on the United States Munitions List, without having first obtained from the Department of State a license for such export or written authorization for such export.

22 U.S.C. §§ 2778(b)(2) and (c)
 22 C.F.R. §§ 121.1, 121.4
 22 C.F.R. § 123.1
 22 C.F.R. § 127.1
 22 C.F.R. § 127.3

COUNT TWO

The United States Attorney for the District of Maryland further charges that:

In or about August 2009, in the District of Maryland and elsewhere, the defendant,

EMENIKE CHARLES NWANKWOALA,

did knowingly and willfully export, cause to be exported, and attempt to export from the United States to Nigeria the following:

MODEL	CALIBER	SERIAL NUMBER
Mossberg 500A	12 ga.	T425888
Mossberg 500A	12 ga.	T369547
Maverick 88	12 ga.	MV64149N
Maverick 88	12 ga.	MV16917N
Maverick 88	12 ga.	MV63781N
Maverick 88	12 ga.	MV57077N
Maverick 88	12 ga.	MV62471N
Maverick 88	12 ga.	MV14349N
Maverick 88	12 ga.	MV56476N
Maverick 88	12 ga.	MV81050M
Maverick 88	12 ga.	MV63743N
Maverick 88	12 ga.	MV57032N
Maverick 88	12 ga.	MV17289N
Maverick 88	12 ga.	MV64038N
Maverick 88	12 ga.	MV57036N
Maverick 88	12 ga.	MV63964N
Maverick 88	12 ga.	MV62466N
Maverick 88	12 ga.	MV55961N
Maverick 88	12 ga.	MV57086N
Maverick 88	12 ga.	MV55963N
Maverick 88	12 ga.	MV16909N
Maverick 88	12 ga.	MV17290N
Maverick 88	12 ga.	MV63932N
Maverick 88	12 ga.	MV17196N

without having first obtained a validated export license from the United States Department of Commerce.

50 U.S.C. App. § 2410(a)
50 U.S.C. § 1702
50 U.S.C. § 1705(c)
15 C.F.R. § 736.2
15 C.F.R. §§ 764.2, 764.3(b)
15 C.F.R. § 774.1
Executive Order No. 13222

COUNT THREE

The United States Attorney for the District of Maryland further charges that:

On or about the August 7, 2009, in the District of Maryland, the defendant

EMENIKE CHARLES NWANKWOALA,

knowingly delivered or caused to be delivered to a common and contract carrier for transportation and shipment in interstate and foreign commerce to a person other than a licensed importer, licensed manufacturer, licensed dealer, or a licensed collector, a package and container in which there were firearms and ammunition, to wit,

MODEL	CALIBER	SERIAL NUMBER
Bersa Thunder 40	.40 mm	939089
Bersa Thunder 40	.40 mm	693553
Bersa Thunder 9	9 mm	918546
Ruger SR9	9 mm	330-44078
Smith & Wesson M&P 45	.45 mm	MPS5803
Smith & Wesson M&P 45	.45 mm	MPY9191
Mossberg 500A	12 ga.	T425888
Mossberg 500A	12 ga.	T369547
Maverick 88	12 ga.	MV64149N
Maverick 88	12 ga.	MV16917N
Maverick 88	12 ga.	MV63781N
Maverick 88	12 ga.	MV57077N
Maverick 88	12 ga.	MV62471N
Maverick 88	12 ga.	MV14349N
Maverick 88	12 ga.	MV56476N
Maverick 88	12 ga.	MV81050M
Maverick 88	12 ga.	MV63743N
Maverick 88	12 ga.	MV57032N
Maverick 88	12 ga.	MV17289N
Maverick 88	12 ga.	MV64038N
Maverick 88	12 ga.	MV57036N
Maverick 88	12 ga.	MV63964N
Maverick 88	12 ga.	MV62466N
Maverick 88	12 ga.	MV55961N

MODEL	CALIBER	SERIAL NUMBER
Maverick 88	12 ga.	MV57086N
Maverick 88	12 ga.	MV55963N
Maverick 88	12 ga.	MV16909N
Maverick 88	12 ga.	MV17290N
Maverick 88	12 ga.	MV63932N
Maverick 88	12 ga.	MV17196N

BRAND OF AMMUNITION	NUMBER OF ROUNDS
Speer Gold, Lawman, Blazer & Magtech	850
Winchester Ranger (LEO ammunition)	150
Independence & Hornady	180
Remington & Federal	310

without written notice to the carrier that such firearms and ammunition were being transported and shipped.

18 U.S.C. § 922(e)

FORFEITURE ALLEGATION

1. Upon conviction of the offenses set forth in Counts One and Two of this Information, the defendant,

EMENIKE CHARLES NWANKWOALA,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 22, United States Code, Section 410, Title 28, United States Code, Section 2461(c), and Title 50, United States Code, Appendix, Section 2410, any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses, or which was involved in such offenses or any property traceable to such property. The property to be forfeited includes, but is not limited to, the following: a 2008 Toyota Camry, VIN #4T1BE46K08U246394, and the firearms and ammunition listed in paragraph 4 below.

2. If any of the property described above and in paragraph 4, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without

difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

3. Upon conviction of the offense in violation of Title 18, United States Code, Section 922(f) set forth in Count Three of this Information, the defendant,

EMENIKE CHARLES NWANKWOALA,

shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to the firearms and ammunition described in paragraph 4 below.

4. The firearms and ammunition to be forfeited pursuant to paragraphs 1 through 3 are:

MODEL	CALIBER	SERIAL NUMBER
Bersa Thunder 40	.40 mm	939089
Bersa Thunder 40	.40 mm	693553
Bersa Thunder 9	9 mm	918546
Ruger SR9	9 mm	330-44078
Smith & Wesson M&P 45	.45 mm	MPS5803
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Maverick 88	12 ga.	MV63964N
Maverick 88	12 ga.	MV62466N
Maverick 88	12 ga.	MV55961N
Maverick 88	12 ga.	MV57086N
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Independence & Hornady	180
Remington & Federal	310

18 U.S.C. § 924(d)
 18 U.S.C. § 981(a)(1)(C)
 21 U.S.C. § 853(p)
 22 U.S.C. § 401
 28 U.S.C. § 2461(c)
 50 U.S.C. App. § 2410(g)

Rod Rosenstein/CAS

Rod J. Rosenstein
United States Attorney

April 13, 2010
Date